

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

JAMES E. WAYMAN,	)	
	)	
v.	)	No. 3:02-0692
	)	Judge Nixon
JO ANNE B. BARNHART, Commissioner	)	Magistrate Judge Knowles
of Social Security.	)	
	)	

**ORDER**

Pending before the Court are cross-Motions for Judgment on the Administrative Record. (Doc. Nos. 12, 16.) The Court has received the Magistrate Judge's comprehensive Report and Recommendation in the above-styled matter, recommending inter alia that the Court adopt the Administrative Law Judge's ("ALJ") finding of non-disability. (Doc. No. 18.)

Plaintiff filed objections to the Report and Recommendation (Doc. No. 19), to which the Defendant has responded (Doc. No. 20). Plaintiff lists three specific objections. First, Plaintiff argues that the ALJ misapplied the vocational rules and misused the vocational expert's testimony to find that the Plaintiff has transferable skills and can do other work. Second, Plaintiff claims that the ALJ was wrong to not give more weight to the testimony of the Plaintiff's treating physician. Third, Plaintiff claims the ALJ's finding that the Plaintiff's testimony was not credible, is not supported by substantial evidence. These are the very same objections that Plaintiff raised in his motion for Judgment on the Administrative Record.

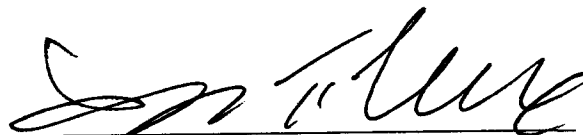
Nevertheless, the Court has reviewed de novo those portions of the Report and Recommendation to which the Plaintiff objects. See 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(b). The Magistrate Judge's report thoroughly and aptly deals with each of the Plaintiff's objections.

Consequently, the Court agrees with the Magistrate Judge's finding that the Plaintiff's objections to the ALJ's decision are without merit. The Court OVERRULES Plaintiff's objections, and ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

Accordingly, Plaintiff's Motion for Judgment on the Pleadings is DENIED and the decision of the Commissioner is AFFIRMED. This action is hereby DISMISSED.

It is so ORDERED.

Entered this the 10<sup>th</sup> day of November, 2005.

A handwritten signature in black ink, appearing to read "John T. Nixon", written over a horizontal line.

JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT